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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,020	02/26/2004	David Wilson	13832-1	3550

1059 7590 09/28/2005

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EXAMINER

GREEN, BRIAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/786,020

Applicant(s)

WILSON, DAVID

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10, 12-17, 20 and 22 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 11, 18, 19 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1-11 are objected to because of the following informalities: In claim 1, line 3, "the ground accessible system" should apparently be "the sign system" since there is no antecedent basis for "the ground accessible system". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5,10,12-15,20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Douglas et al. (U.S. Patent No. 5,423,142).

Douglas et al. shows in figure 5 a sign system comprising a first set and a second set of tubular guide members (27,28 and 27,28, the upper sets which are attached to the member 30) connected together for telescopic movement, each set including an outermost guide member (27) and an innermost guide member (28), the innermost guide member (28) including a connector (the enlarged portion at the bottom end of 27) for connecting the sign (2), the outer member being fixed to the vertical support means (30), and a drive system (7,8) operatively connected to the first and second sets of guide members for selectively moving the first and second sets of guide members between the extended position and the retracted position. In regard to claims 2 and 13, the outermost member (27) is the anchor guide member. In regard to claim 3, the vertical support means (30) is considered to be a "wall". In regard to claims 4,5,14, and 15,

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Douglas shows in figure 5 first and second cables (7,7) and pulleys (8,8). In regard to claims 10 and 20, Douglas shows in figure 5 that the first and second set of guide members have a height less than the height of the sign (2,2, both of the portions 2 which make up the sign).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas et al. (U.S. Patent No. 5,423,142) in view of Doering (U.S. Patent No. 2,125,994).

Douglas et al. discloses the applicant's basic inventive concept except for attaching a winch to the cables. Doering shows in figure 1 the idea of attaching a winch (31,34,35,33,43) to cables in order to raise or lower a sign. In view of the teachings of Doering it would have been obvious to one in the art to modify Douglas by attaching a winch to the device since this would allow the sign to be raised and lowered in an easier and safer manner.

Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas et al. (U.S. Patent No. 5,423,142) in view of Thornton (U.S. Patent No. 3,673,720).

Douglas et al. discloses the applicant's basic inventive concept except for making the sign include a top support bar, a bottom support bar, a banner, and providing a connector for attaching the sign to the sign supporting guide member. Thornton shows in figure 2 a sign having an upper bar (36) having a connector (37) and a lower bar (40) having a connector (42) for

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connecting to a guiding member. In view of the teachings of Thornton it would have been obvious to one in the art to modify Douglas by making the sign include a top support bar, a bottom support bar, a banner, and providing a connector for attaching the sign to the sign supporting guide member since this would allow the sign to be made in an easier and more compact manner and would allow more indicia to be displayed by the sign. It is considered within one skilled in the art to vary the size of the banner as desired.

*Allowable Subject Matter*

Claims 8,9,11,18,19, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nidelkoff teaches the use of a sign that includes telescopic supports.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRIAN K. GREEN  
PRIMARY EXAMINER

Bkg  
Sept. 26, 2005